

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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In re Amendment of Section 73.202(b))
of the Commission's Rules, Table of Allotments,)
FM Broadcast Stations)
(ASH FORK, ARIZONA))

MM Docket No. 02-12
RM-10356

To: The Chief, Allocations Branch, Mass Media Bureau

COUNTERPROPOSAL

NPR Phoenix, LLC (*NPR*), by its communications counsel, hereby files its
Counterproposal in response to the Notice of Proposed Rule Making in the instant proceeding,
DA 02-206, released January 25, 2002 (the *NPRM*).

1. In response to the Petition for Rule Making of Liberty Ventures III, LLC
(*Liberty*), the FCC staff has issued the *NPRM*, which proposes the allotment of Channel 285A
to Ash Fork, Arizona as a first local service. Schematically, the *NPRM*'s proposal is as follows:

COMMUNITY	PRESENT	PROPOSED
Ash Fork, Arizona	---	285A

Liberty's reference point for its proposed allotment is site-restricted 13.6 km west of Ash Fork,
at coordinates North Latitude 35° 12' 27", West Longitude 112° 37' 49".

2. *NPR* hereby advances the following Counterproposal. Rather than allotting Channel
285A as a first local service to Ash Fork, as *Liberty* suggests, the FCC should:

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(a) allot Channel 285C3 to the community of Peach Springs, Arizona as a first local service¹; and

(b) to allot Channel 280A to Ash Fork, Arizona²; and

(c) to accommodate Channel 280A at Ash Fork, substitute Channel 254A for Channel 277A at Seligman, Arizona, and modify the license of station KZKE (FCC Facility ID Number 56339) accordingly;³

(d) further to accommodate Channel 280A at Ash Fork, substitute Channel 232C3 for Channel 280C3 at Chino Valley, Arizona, and modify the license of station KFPB (FCC Facility ID Number 109) accordingly;⁴ and

(e) substitute Channel 280C1 for Channel 280C2 at Gilbert, Arizona, and modify the license of NPR's station KEDJ (Facility ID No. 54944) accordingly.⁵

¹The reference coordinates for Channel 285C3 at Peach Springs are North Latitude 35° 31' 39", West Longitude 113° 19' 49".

²The reference coordinates for Channel 280A at Ash Fork are North Latitude 35° 13' 24", West Longitude 112° 36' 56". These coordinates reflect a site restriction of 11.9 km to the West of Ash Fork.

³The reference coordinates for Channel 254A at Seligman are North Latitude 35° 19' 26", West Longitude 112° 45' 55". These are the same as the licensed coordinates for station KZKE on Channel 277A, per FCC File No. BLH-19950301KO.

⁴The reference coordinates for Channel 232C3 at Chino Valley are North Latitude 35° 52' 03", West Longitude 112° 33' 04". These are other than the licensed coordinates for station KFPB on Channel 280C3 (North Latitude 34° 42' 52", West Longitude 112° 31' 33"), per FCC File No. BLH-19981015KA. A statement by the licensee of station KFPB consenting to the required site change accompanies this Counterproposal as Exhibit B.

⁵The reference coordinates for Channel 280C1 at Gilbert are North Latitude 33° 25' 39", West Longitude 111° 28' 03". These coordinates reflect a site restriction of 29.6 km Northeast of Gilbert, on a bearing of 69° True.

Schematically, NPR's Counterproposal appears as follows:

COMMUNITY	PRESENT	PROPOSED
Peach Springs, Arizona	---	285C3
Ash Fork, Arizona	---	280A
Seligman, Arizona	277A	254A
Chino Valley, Arizona	280C3	232C3
Gilbert, Arizona	280C2	280C1

Details of each element of NPR's Counterproposal follow.

A. CHANNEL 285C3 TO PEACH SPRINGS

3. Peach Springs is a Census Designated Place (*CDP*). According to the 2000 U.S. Census, Peach Springs has a population of 600 people. See <http://factfinder.census.gov/bf/_lang=en_vt_name=DEC_2000_SF1_U_DP1_geo_id=16000US0453770.html>.⁶ Peach Springs' Zip Code is 86434. However, Peach Springs lacks a local commercial service.

4. Peach Springs owes its name to peach trees that early explorers found growing at natural springs. Spanish legend had it that the trees were planted by Jesuit Missionaries from San Bernardino, who were looking for a silver mine in the area. Others have credited the Peach trees to Mormon pioneers who passed through in 1852, while looking for a way to cross the Colorado River and get back to Utah. Peach Springs is situated on the storied highway, U.S. Route 66, in Mohave County, Arizona. The community is located within the Hualapai Indian Reservation, near the West Rim of the Grand Canyon. The reservation includes parts of

⁶However, another source says that there are about 946 people living in Peach Springs. See <<http://www.hualapaitours.com/hualapai.html>>.

Coconino, Yavapai, and Mohave Counties, and its topography ranges from rolling grassland, to forests, and to rugged canyons cut by the Colorado River.

5. Peach Springs is the capital of the Hualapai Nation. The Tribal Council meets there. Tribal offices are located in the Hualapai Multipurpose Building. The Hualapai are descended from an ancient people known as the Cerbat. The Hualapai have lived along the Colorado River for 1400 years. The word Hualapai translates as “People of the Tall Pine” or “People of the Tall Pines.” The Hualapai and their neighbors to the West, the Havasupai, were once one group, but they were forcibly separated by Federal authorities. They consider themselves part of the “Pai,” meaning, the People. Their native language is Yuman. Originally, the Hualapai were hunters and gatherers, and maintained vegetable gardens where surface water was available. Today, their principal economic activities are tourism, cattle ranching, timber sales, and arts and crafts. See <<http://www.hualapaitours.com/hualapai.html>>, <http://www.azcentral.com/culturesaz/amindian/hualapai_amind.shtml>, and <<http://www.itcaonline.com/Tribes/hualapai.htm>>.

6. The Peach Springs School, located at 403 Diamond Creek Road in Peach Springs, employs a a unique bilingual (Yuman and English), culturally integrated curriculum. Community member Lucille Watahomigie, who previously was the Principal of the School,⁷ created the curriculum, which has proven very successful. Other Native American Tribes throughout the

⁷ Ms. Watahomigie is currently the director of all state and federal programs at the Peach Springs Unified School District in Peach Springs. She earned her masters of education degree from the University of Arizona in 1973. From 1972 to 1975 she was director of the Teacher Education Program for Indian Students at the University of Arizona. She returned to Peach Springs in 1975 to direct the Hualapai Bilingual Program. From 1992 to 1994, she was the Principal and Acting Superintendent of the School. Under her direction, the Hualapai Bilingual program became a national demonstration program funded under the Bilingual Education Act (Title VII). See <http://jan.ucc.nau.edu/~jar/TIL_Contributors.html>.

United States seek advice from the Hualapai Nation in developing their own education programs. See <http://www.azcentral.com/culturesaz/amindian/hualapai_amind.shtml>, <http://www.ncbe.gwu.edu/miscpubs/nabe/brj/v19/19_1_watahomigie.htm>. The *New York Times*, in its January 8, 1991 edition, reported that Peach Springs, "...has become a mecca for Indian educators, tribal leaders and linguists around the country who want to breathe new life into America's first languages." See <http://www.farsarotul.org/nl10_6.htm>.

7. The Hualapai Nation operates the Hualapai Lodge, in Peach Springs. The current Lodge dates from 1997. It has 60 rooms, a restaurant that serves three meals a day, and two small meeting and conference rooms. See <<http://www.hualapaitours.com/hotel.html>>, <<http://pnilz.pni.com/grandcanyonwest/lodge.html>>. Tourists use the Lodge as a base for white-water rafting trips on the Colorado River escorted by indigenous guides, for back-country backpacking, and for helicopter tours. See <<http://www.hualapaitours.com/>>, <<http://www.backcountrytrailers.com/Camping/Trailer/Trails/HualapaiIndianTrails/>>, <<http://www.grandcanyontreks.org/diamond.htm>>, <<http://www.angelfire.com/az/oaktank/>>, <<http://www.hamptonplace.com/bravo/summary.htm>>, <<http://www.hamptonplace.com/bravo/details.htm>>, and <<http://www.rivers-oceans.com/canyon.html>>. One of the most visited spots within the Hualapai Lands is Diamond Creek, via the only road by which motor vehicles can reach the bottom of the Grand Canyon. See <<http://www.hualapaitours.com/Hdiamond.html>>. Permits for camping, fishing, and auto sightseeing into the Grand Canyon are available for purchase at the Hualapai Lodge.

8. Two other inns have Peach Spring addresses, the Frontier Motel & Cafe, and the Grand Canyon Caverns Inn. <<http://www.qwestdex.com/cgi/search.fcgi?sourceid=>

00393839075792100592&form=BnrSearch&from=affiliate2&ft=1&hdg_val=

Restaurants%232915%232915%23Restaurants&city=Peach+Springs&state=Arizon

a&SUBMIT=Find+It!&metro=>. The Grand Canyon Caverns are 12 miles to the East on Route

66. Nearly a mile of trails more than 200 feet underground allow people to view many colorful mineral deposits. The Caverns are open for visits year-round, except for Christmas Day.

<<http://www.azohwy.com/g/gracancv.htm>> .

9. Citilink.net, based in Plano, Texas, offers local dial-up internet access to Peach Springs. The Church of Jesus Christ of Latter Day Saints (the “Mormons”) have a place of worship in Peach Springs, at 375 Diamond Creek Road. There is also a Hualapai Bible Church in Peach Springs.

10. The Indian Health Service’s Colorado River Service Unit has a presence in Peach Springs. The Peach Springs Health Center open 40 hours per week and is an ambulatory care facility that supplements the health care facilities of the Parker Indian Hospital in Parker, Arizona. One physician and one physician's assistant provide general outpatient services, dental care, and preventive health services. A contract emergency medical service offers after-hours transport of patients to Kingman. <<http://www.ihs.gov/facilitieservices/areaoffices/phoenix/pxcriversu.asp>>. A Community Center provides conference facilities that are employed for presentations on issues of concern to the people of the area. See, for example, <<http://www.wapa.gov/interconn/pdf/publicworkshop.pdf>>. Each year, a Memorial Powwow is held in Peach Springs to mourn those who have died over the previous year. See <<http://www.sidecanyon.com/stephentrimble16.htm>>.

11. Clearly, Peach Springs deserves to have its own FM allotment. The Commission can allot Channel 285C3 to the community of Peach Springs in complete conformity with the spacing requirements of § 73.207 of the Rules, and with the city-grade service requirements of § 73.315 of the Rules, using the reference coordinates specified in footnote 1. These coordinates reflect a site restriction of 9.0 kilometers to the East. See the Engineering Statement of Klein Broadcast Engineering, LLC, which is Exhibit A to this Counterproposal.

12. NPR intends, if the Commission grants this Counterproposal, to apply for a construction permit for Channel 285C3 at Peach Springs. Upon grant of a Peach Springs construction permit, NPR intends to expeditiously construct such authorized facilities, to commence program tests pursuant to § 73.1620, and to file an application for a covering license.

B. CHANNEL 280A TO ASH FORK

13. Channel 285C3 at Peach Springs conflicts with the NPRM's proposed Channel 285A allotment to Ash Fork. However, to enable a first local service to Ash Fork, NPR counterproposes the allotment of Channel 280A to Ash Fork. The FCC can allot Channel 280A to Ash Fork in complete conformity both with the spacing requirements of 47 C.F.R. § 73.207 and with the city-grade-service requirements of 47 C.F.R. § 73.315, using the reference coordinates that NPR suggests in footnote 3. This reference point is site-restricted by 11.9 km to the West. See Exhibit A to this Counterproposal. The use of Channel 280A at Ash Fork also requires shifts in the operating frequencies of two licensed radio stations: KZKE, Channel 277A, Seligman, Arizona, Facility ID No. 56339; and KFPB, Channel 280C3, Chino Valley, Arizona,

Facility ID No. 109. NPR will discuss further the shift of stations KZKE and KFPB in the next sections of this filing.

14. NPR states its intent, if the Commission grants this Counterproposal, to apply for a construction permit for Channel 280A at Ash Fork. Upon grant of such a construction permit, NPR intends to expeditiously construct such authorized facilities, to commence program tests pursuant to § 73.1620, and to file an application for a covering license.

C. CHANNEL 254A TO SELIGMAN

15. To accommodate a new allotment on Channel 280A to Ash Fork, the Commission will have to shift Channel 277A Seligman station KZKE to another frequency. As NPR's consulting engineer explains in Exhibit A to this Counterproposal, four alternative Class A channels are available for use at Seligman. NPR proposes the use of Channel 254A. Using the station's licensed site as the reference point, whose coordinates appear in footnote 4, the FCC can allot Channel 254A to Seligman in complete conformity with the spacing requirements of 47 C.F.R. § 73.207 and the city-grade-service requirements of 47 C.F.R. § 73.315. See Exhibit A to this Counterproposal. Because the reference point for Channel 254A is station KZKE's licensed site, consistent with firmly established precedent, the FCC can issue an Order to the licensee of the station requiring the licensee to show cause why its license should not be modified to specify operation on Channel 254A. NPR requests that the FCC issue such an Order forthwith. Further, pursuant to Circleville and Columbus, Ohio, 8 FCC 2d 159 (1967), NPR commits to reimbursing the licensee of station KZKE for the reasonable and prudent costs of both the necessary modifications of the station's facilities and the customary incidental expenditures.

D. CHANNEL 232C3 TO CHINO VALLEY

16. Also to accommodate a new allotment on Channel 280A to Ash Fork, the Commission will have to shift Class C3 Chino Valley station KFPB to Channel 232. As set forth in Exhibit A to this Counterproposal, with an appropriate site restriction (see footnote 5, above, and Exhibit A), the FCC can allot Channel 232C3 to Chino Valley in complete conformity with the spacing requirements of 47 C.F.R. § 73.207 and the city-grade-service requirements of 47 C.F.R. § 73.315. See the Engineering Statement, Exhibit A to this Counterproposal.

17. The proposed reference point for Channel 232C3 at Chino Valley is other than KFPB's licensed site. As required by Mt. Morris, Illinois, et al., 4 FCC Rcd 5485 (1989), recons. den., 5 FCC Rcd 1750 (1990), NPR provides as Exhibit B to this Counterproposal the statement of consent by KFPB's licensee to the required change in transmitter site and frequency by that station. Further, pursuant to Circleville and Columbus, Ohio, 8 FCC 2d 159 (1967), NPR commits to reimbursing KFPB for the costs of both the necessary modifications of the station's facilities and the customary incidental expenditures. Because the licensee of station KFPB has consented to the frequency and channel change, no Show-Cause Order is needed.

D. CHANNEL 280C1 TO GILBERT

18. As a further component of this Counterproposal, NPR requests the upgrade of station KEDJ (formerly KPTY), which serves the community of Gilbert, Arizona, on Channel 280, from Class C2 to Class C1 status. The Commission can allot Channel 280C1 to Gilbert in complete conformity with the spacing requirements of 47 C.F.R. § 73.207 and the city-grade-service requirements of 47 C.F.R. § 73.315, using a site-restricted reference point 29.6 km

Northeast.⁸ See Exhibit A to this Counterproposal. Such an upgrade of station KEDJ's facilities will almost double the station's primary service area — from 8,566 square kilometers to 16,245 square kilometers. The proposed upgrade will also nearly double the population that the station serves — from 1,666,029 people to 3,088,824 people.

19. The upgrade will also provide more latitude to NPR in selecting a transmitter site for station KEDJ. One of KEDJ's principal siting constraints is city-grade service. Because a Class C1 station has a substantially larger city-grade service area, the station's range of options in terms of alternative transmitter sites will increase significantly. The Commission's history files for station KEDJ reflect that NPR had significant difficulty obtaining FAA and local approval of its presently licensed site, and that NPR represented to officials and the local populace that the station would try to relocate.⁹

20. NPR states its intent to implement the proposed improvement of station KEDJ's facilities. NPR intends, if the Commission grants this Counterproposal, to apply for a construction permit to implement the improvement in station KEDJ's currently licensed facilities. Upon grant of a Class C1 construction permit, NPR intends to expeditiously construct such authorized facilities, to commence program tests pursuant to § 73.1620, and to file an application for a covering license.

⁸The reference point for the proposed site-restricted Channel 280C1 Gilbert allotment has the following NAD27 coordinates: North Latitude 33° 25' 39"; West Longitude 111° 28' 03".

⁹See FCC File Nos. BPH-19960520IA, BMPH-19961009IA, BPHI-19970402ID, and BLH-19970519KA, and BLH-19980409KC.

F. ARGUMENT

21. The FCC judges FM allotment proposals according to the following set of priorities:

- (1) first aural service;
- (2) second aural service;
- (3) first local service; and
- (4) other public-interest factors,

with priorities (2) and (3) sharing co-equal rank. Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982). Under this ranking system, NPR's Counterproposal must prevail over Liberty's proposal.

22. As noted above, the 2000 Census population of Peach Springs, CDP, is 600 people. According to the same source, the 2000 Census population of Ash Fork, CDP, is 457 people. See <http://factfinder.census.gov/bf/_lang=en_vt_name=DEC_2000_SF1_U_DP1_geo_id=16000US0404440.html>. Both communities are currently unserved, so both Liberty's original proposal and the Peach Springs component of this Counterproposal trigger Priority 3, first local service. It appears that neither proposal enjoys a priority under Category 1 or Category 2. However, in terms of population, Peach Springs is 31% larger than Ash Fork. On a straight population comparison, Peach Springs must prevail over Ash Fork. This is because, where, as here, each community appears to enjoy a number of reception services, the FCC favors first local service to a larger deserving, independent community over first local service to a less populous community. See, e.g., St. Marks and Woodville, Florida, 12 FCC Rcd 11957 (1997), Brownstown, Indiana et al., 7 FCC Rcd 3173 (1992), Three Oaks and Bridgman, Michigan, 5 FCC Rcd 1004 (1990), and Clarksville and Lanesville, Indiana, 4 FCC Rcd 4968 (1989).

23. Moreover, Liberty's proposal would involve but a single Priority Three action — first local service to Ash Fork. By contrast, NPR's Counterproposal would provide:

- first local service to Peach Springs (Priority Three); and
- first local service to Ash Fork (Priority Three); and also
- a substantial upgrade of station KEDJ's facilities (a Priority Four allotment).

24. Peach Springs is clearly worthy of a first local service. Peach Springs' status as a Census Designated Place is *prima facie* evidence that Peach Springs is a licensable community. See, e.g., Hatfield, Arkansas, 61 Fed. Reg. 44184 (1996).¹⁰ Moreover, according to the 2000 U.S. Census, Peach Springs has a permanent population of 600 people — a population larger than or comparable to that of many other communities to which the Commission has allotted local FM service. See, e.g., Homerville, Lakeland, and Statenville, Georgia, 6 FCC Rcd 5802 (M.M. Bur., 1991), recons. on other grounds, 8 FCC Rcd 2953 (M.M. Bur., 1993) (town of 650 people deemed a sufficiently substantial and geographically distinct community to warrant a first local FM service).

25. Moreover, Peach Springs' unique role as the capital of the Haulapai Nation and as the base of tourism for the Western Rim of the Grand Canyon are further, independent grounds for allotting a channel to that community. With regard to tourism, the FCC has long recognized that tourist population evinces a need for local service. See, e.g., Myrtle Beach, South Carolina, 12 Rad. Reg. (P & F) 2d 1619 (1968), Wanchese, North Carolina, 24 Rad. Reg. (P & F) 2d 1661 (1972), Monte Rio, California, 50 FCC 2d 759 (1975), Killington, Vermont et al., 58 Rad. Reg (P

¹⁰"If a community is listed in the U.S. Census or is incorporated, that is sufficient to satisfy the requirements of Section 307(b). See, Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 101 (1982)."

& F) 2d 1304 (1958), Trade, Tennessee and Beech Mountain, North Carolina, 6 FCC Rcd 5835 (1991) (ski-resort hamlet with a permanent population of between 279 and 662 people warrants local service).

26. Moreover, NPR's Counterproposal would represent a significantly more efficient use of the spectrum than Liberty's proposal would offer. The allotment of a Class C3 channel to Peach Springs, the allotment of a Class A channel to Ash Fork, and the proposed upgrade of station KEDJ to Class C1 status (which will result in significant expansion of KEDJ's service area and population) will altogether provide far greater benefits than just allotting a first local Class A service to Ash Fork.

27. Spectral efficiency is a "paramount" Commission consideration under § 307(b) of the Communications Act. Endicott, New York, 51 FCC 2d 50, 51 (1975). Accordingly, the Commission has a long history of favoring multiple allotments over single ones. See, e.g., Stuart and Boone, Iowa, 5 FCC Rcd 4537 (M.M. Bur. 1990), recons. den., 6 FCC Rcd 6036 (1991) Miami, West Virginia, 58 Rad. Reg. (P & F) 2d 146, 148 (M.M. Bur. 1985); Micanopy and Williston, Florida, 50 Rad. Reg. (P & F) 2d 1425 (B. Bur. 1982); Marshfield, Massachusetts, 33 Rad. Reg. (P & F) 2d 611, 613 (B. Bur. 1975).

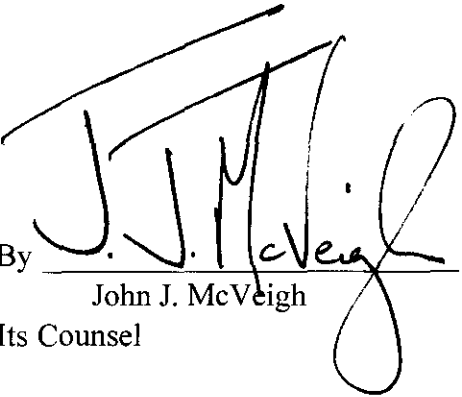
28. In addition, firmly established Commission precedent mandates the allotment of Channel 280A to Ash Fork over the allotment of Channel 285A, because the former entails less of a site restriction than the latter — 11.9 km vs. 13.6 km. See Chico, California, 6 FCC Rcd 4294 (M.M. Bur. 1991), Stuart and Boone, Iowa, supra.

CONCLUSION

For the reasons stated above, the FCC should promptly adopt a *Report and Order* implementing NPR's Counterproposal.

Respectfully submitted,

NPR PHOENIX, LLC

By 
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Its Counsel

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Date: March 18, 2002

EXHIBIT A

KLEIN BROADCAST ENGINEERING

dedicated to improving the science and technology of radio & television communications

ENGINEERING STATEMENT & EXHIBITS

COUNTERPROPOSAL

**RE: MM DOCKET NUMBER 97-131
RM -9078
ASH FORK , ARIZONA**

PREPARED FOR:

NPR PHOENIX, L.L.C.

MARCH 2002

ENGINEERING STATEMENT
And
EXHIBITS
IN SUPPORT of COUNTERPROPOSAL
Filed By
NPR PHOENIX, L.L.C.
In
MM DOCKET # 02-12
RM-10356

MARCH 2002

ABSTRACT:

The engineering exhibits found herein were prepared by the firm of KLEIN BROADCAST ENGINEERING, L.L.C, in support of a counterproposal filed with the Federal Communications Commission by NPR.

The geographic coordinates found in this engineering statement are from the North American Datum 1927 (NAD27). The reference geographic coordinates for the communities specified herein were obtained from The U.S. Census Bureau, Gazetteer of "Places" in the United States. This database may be found on the Internet at: <http://ftp.census.gov/geo/www/gazetteer/places.html>.

PEACH SPRINGS , ARIZONA:

FM CHANNEL 285 C3 / 104.9mHz. is proposed for allotment to this community as this community's First Local Aural Service. FM CHANNEL 285 C3 / 104.9mHz. may be assigned in accordance with Section 73.207 of the Rules and Regulations of the Federal Communications Commission with the use of a site restriction 9.0 kilometers due EAST of Peach Springs, Arizona, on a bearing of 90 degrees True. The 70dBu contour of maximum Class C3 facilities extends 23.3 kilometers from the transmitter site and this proposed allotment will provide the entire Principal Community, Peach Springs, Arizona , with the required "City Grade" 70dBu service in compliance with Section 73.315 of the Rules and Regulations of the Federal Communications Commission. Engineering Exhibit E-1 is a complete FM Channel Spacing Study that shows the proposed allotment can be made in accordance with Section 73.207 of the Rules and Regulations of the Federal Communications Commission from the following geographic coordinates: NL: 35-31-39 / WL: 113-19-49, with the exception of a short-spacing to FM CHANNEL 285 A / 104.9mHz proposed vacant allotment to Ash Fork, Arizona.

It is proposed to substitute FM Channel 280 A at Ash Fork, Arizona, in place of the rulemaking proposal of FM Channel 285 A / 104.9mHz. at Ash Fork, Arizona. This substitution will eliminate the mutually exclusive short-spacing and bring the proposed allotment of FM Channel 285 Class C3 at Peach Springs, Arizona, into compliance with Section 73.207 of the Commission's Rules and Regulations.

(see ASH FORK, ARIZONA)

ASH FORK, ARIZONA

FM CHANNEL 280 A / 103.9mHz. is proposed for allotment to this community and may be assigned in accordance with Section 73.207 of the Rules and Regulations of the Federal Communications Commission with the use of a site restriction of 11.9 kilometers due West of Ash Fork, Arizona, on a bearing of 270 degrees True. The reference coordinates for this site are: NL: 35-13-24 / WL: 112-36-56.

The 70dBu contour of maximum Class A facilities extends 16.6 kilometers from the transmitter site and this proposed allotment would provide the entire Principal Community, Ash Fork, Arizona, with the required "City Grade" 70dBu service in compliance with Section 73.315 of the Rules and Regulations of the Federal Communications Commission. FM Channel 280 Class A may be allotted to Ash Fork, Arizona, with less of a site restriction than the original proposal of FM Channel 285 Class A at Ash Fork, Arizona.

Engineering Exhibit E-2 is a complete FM Channel Spacing Study that shows the proposed allotment can be made in accordance with Section 73.207 with the exception of a short-spacing to FM Channel 280 C3 at Chino Valley, Arizona. NPR proposes to make an FM Channel substitution at Chino Valley, Arizona.

In addition the proposed allotment of FM Channel 280 A / 103.9mHz at Ash Fork, Arizona, is short-spaced to an existing station, KZKE(FM), at Seligman, Arizona, operating on FM Channel 277 Class A / 103.3mHz.

N P R Phoenix, L.L.C. finds no less than four (4) other Class A FM Channels will comply with Section 73.207 from the licensed geographic coordinates of FM Broadcast Station KZKE(FM) at Seligman, Arizona. The four FM Channels are 254A, 265A, 267A and 227A. N P R Phoenix, L.L.C., proposes to substitute FM Channel 254A at Seligman, Arizona for use by FM Broadcast Station KZKE(FM), at the existing licensed transmitter site of the Station KZKE(FM) (see Engineering Exhibit E-3).

The reference coordinates for this allotment substitution would be: NL:35-19-26 / WL:112-45-55. With the substitution of FM Channel 254A in place of FM Channel 277A, the requested allotment of FM Channel 280A at Ash Fork, Arizona may be made in compliance with Section 73.207 of the Rules and Regulations of the Federal Communications Commission. The reference coordinates for FM Channel 280 Class A at Ash Fork, Arizona are: NL: 35-13-24 / WL: 112-36-56, These reference coordinates are for the site restricted location, 11.9 kilometers due West of Ash Fork, Arizona.

CHINO VALLEY, ARIZONA

FM CHANNEL 232 C3 / 94.3mHz. is proposed for allotment to this community and may be assigned in accordance with Section 73.207 of the Rules and Regulations of the Federal Communications Commission with a moderate site restriction of 14.7 kilometers NNW of Chino Valley, Arizona, on a bearing of 323 degrees true. The 70dBu contour of maximum Class C3 facilities extends 23.3 kilometers from the transmitter site and this proposed allotment would provide the entire Principal Community, Chino Valley, Arizona, with the required "City Grade" 70dBu service in compliance with Section 73.315 of the Rules and Regulations of the Federal Communications Commission. Engineering Exhibit E-4 is a complete FM Channel Spacing Study that shows the proposed allotment can be made in accordance with Section 73.207 of the Rules and Regulations of the Federal Communications Commission from the following reference coordinates for the site restricted location: NL:34-52-03 / WL:112-33-04. At the present time, FM Broadcast Station KFPB(FM) is operating on FM Channel 280C3 at Chino Valley, Arizona. This station has consented to relocate its transmission main facility and change frequency if the Commission allocates FM Channel 232C3 in place of FM Channel 280C3 at Chino Valley, Arizona.

GILBERT , ARIZONA

FM CHANNEL 280 C1 / 103.9mHz. is proposed for allotment to this community and may be assigned in accordance with Section 73.207 of the Rules and Regulations of the Federal Communications Commission with a site restriction 29.6 kilometers NE of Gilbert, Arizona on a bearing of 69 degrees True. It is proposed to upgrade the existing allotment of FM CHANNEL 280 C2 / 103.9mHz. at Gilbert, Arizona, to Class C1 status. The 70dBu contour from maximum Class C1 facilities extends 50.2 kilometers from the transmitter site and this proposed allotment would provide the entire Principal Community, Gilbert, Arizona, with the required "City Grade" 70dBu service in compliance with Section 73.315 of the Rules and Regulations of the Federal Communications Commission. Engineering Exhibit E-5 is a complete FM Channel Spacing Study and shows the proposed upgraded allotment can be made in accordance with Section 73.207 of the Rules and Regulations of the Federal Communications Commission for the community of Gilbert, Arizona, at the site restricted geographic coordinates of:

N1.: 33-25-39 / WL: 111-28-03

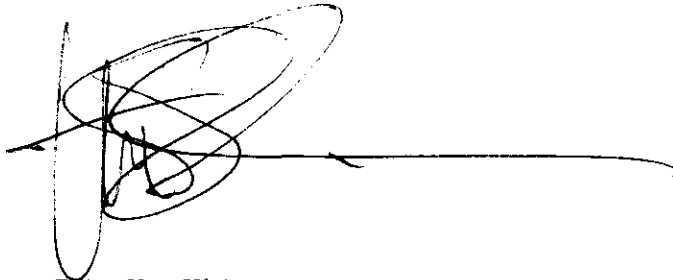
The FM Channel Spacing Study was modified to the extent to add and show the proposed allotment of FM Channel 280A at Ash Fork, Arizona, from the proposed site restricted geographic coordinates for that proposed allotment with the proposed upgrade of FM Channel 280C2 at Gilbert, Arizona, to FM Channel 280 C1 from the site restricted geographic coordinates for that allotment and was found to comply with Section 73.207 of the Rules and Regulations of the Federal Communications Commission.

In addition to the above, the proposed upgraded allotment of FM Channel 280 C1 at Gilbert, Arizona, (a Class C1 maximum facility from the Section 73.207 reference site) would provide the public with an increase in coverage area of 47.3% within the "Primary Protected Contour" (60dBu / 1 . 00mV/M) over the existing Class C2 facility and an increase in population within the "Primary Protected Contour" (60dBu/1. 00mV/M) of the proposed FM Channel 280Class C1 upgraded facility of 46.1%.

The actual calculated area within the existing Class C2 facility (60dBu / 1 . 00 mV/M) contour is 8566.152 square kilometers compared to the proposed Class C1 facility area within the (60dBu / 1 . 00mV/M) contour of 16,245.19 square kilometers. The population now served within the existing Class C2 (60dBu / 1 . 00mV/M) contour is 1,666,029 persons (2000 U. S. Census) as compared to the population to be served within the proposed Class C1 upgrade of 3,088,824 persons (2000 U. S. Census)

The areas with the existing Class C2 and proposed Class C1 (60dBu / 1 . 00mV/M) "Primary Protected Contours" quoted on the previous page were calculated using the Commission's "Standard Contour Prediction Method" found in Section 73 of the Rules and Regulations of the Federal Communications Commission. Clearly, these percentage increases are in the public interest and the requested FM Channel 280 Class C1 upgrade at Gilbert, Arizona, should be allotted by the Commission as being in the Public Interest.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'E' followed by 'Klein' and a long horizontal line extending to the right.

Elliott Kurt Klein,
Consulting Broadcast Engineer

MARCH 2002

NPR Phoenix, L.L.C

ENGINEERING EXHIBITS E-1 through E-5

(follow this page)

Klein Broadcast Engineering, L.L.C.
Job: 285C3PEACHSPRINGSSITE.fmj
Master Database: 2002_MAR_05.fmd
Lat: N35:31:39 Lon: W113:19:49

NPR Phoenix, L.L.C. EXHIBIT E-1

Page 1 of 1
Date: 3/5/2002 9:04:18 AM
rfDetective-FM Version 1.3.3

Channel: 285 Class: C3
Status: Licensed, Construction Permit, Application, Addition, Vacant/Reserved
Channels: Primary, 1st Adj, 2nd Adj, 3rd Adj, IF, TV6
Range: 30 km
Comments: FM Channel 285 Class "C3" at Peach Springs, Arizona
Site Restricted Location
Description:

Callsign	Latitude	Longitude	City	State	Service	Channel	Class	Status	Min Separation	Clearance	ERP	HAAT	Adjacency	Distance	Bearing
	N35:12:27	W112:37:49	ASH FORK	AZ	FM	285 : 104.9 MHz	A	ADD	142	-69.15	0.00	0	Primary	72.85	119
	N35:17:12	W114:51:57	CAL-NEV-ARI	NV	FM	285 : 104.9 MHz	A	VAC	142	0.02	0.00	0	Primary	142.02	259
	N34:33:06	W114:11:37	LAKE HAVASU CITY	AZ	FM	286 : 105.1 MHz	C2	VAC	117	16.89	0.00	0	1st Adj	133.89	216
KBHQ	N36:42:33	W114:32:35	MOAPA VALLEY	NV	FM	284 : 104.7 MHz	C1	VAC	144	26.63	0.00	0	1st Adj	170.63	320
KBHQ	N36:42:33	W114:32:35	MOAPA VALLEY	NV	FM	284 : 104.7 MHz	C1	CP	144	26.63	100.00	299	1st Adj	170.63	320

Klein Broadcast Engineering, L.L.C.

NPR Phoenix, L.L.C. EXHIBIT E-2

Page 1 of 1

Job: 280AASHFORK.fmj

Date: 3/5/2002 8:54:42 AM

Master Database: 2002_MAR_05.fmd

rfDetective-FM Version 1.3.3

Lat: N35:13:24 Lon: W112:36:56

Channel: 280 Class: A

Status: Licensed, Construction Permit, Application, Addition, Vacant/Reserved

Channels: Primary, 1st Adj, 2nd Adj, 3rd Adj, IF, TV6

Range: 30 km

Comments: FM Channel 280 Class "A" for Ash Fork, Arizona

Description:

Callsign	Latitude	Longitude	City	State	Service	Channel	Class	Status	Min Separation	Clearance	ERP	HAAT	Adjacency	Distance	Bearing
KPBZ	N34:42:52	W112:31:33	CHINO VALLEY	AZ	FM	280 : 103.9 MHz	C3	LIC	142	-84.96	8.10	173	Primary	57.04	172
KZKE	N35:19:26	W112:45:55	SELIGMAN	AZ	FM	277 : 103.3 MHz	A	LIC	31	-13.38	1.75	129	3rd Adj	17.62	309
	N35:17:19	W111:38:26	FLAGSTAFF	AZ	FM	279 : 103.7 MHz	C3	VAC	89	0.02	0.00	0	1st Adj	89.02	085
FR ADD	N37:15:12	W113:17:00	TOQUERVILLE	UT	FM	280 : 103.9 MHz	C	ADD	226	7.12	0.00	0	Primary	233.12	345

Klein Broadcast Engineering, L.L.C.

NPR Phoenix, L.L.C. EXHIBIT E-3

Page 1 of 1

Job: KZKESP4254A.fmj

Date: 3/5/2002 1:43:58 PM

Master Database: 2002_MAR_05.fmd

rfDetective-FM Version 1.3.3

Lat: N35:19:26 Lon: W112:45:55

Channel: 254 Class: A

Status: Licensed, Construction Permit, Application, Addition, Vacant/Reserved

Channels: Primary, 1st Adj, 2nd Adj, 3rd Adj, IF, TV6

Range: 30 km

Comments: Existing KZKE(FM) Transmitter Site

Description:

Callsign	Latitude	Longitude	City	State	Service	Channel	Class	Status	Min Separation	Clearance	ERP	HAAT	Adjacency	Distance	Bearing
KKLT	N33:19:58	W112:03:48	PHOENIX	AZ	FM	254 : 98.7 MHz	C	LIC	226	4.12	99.00	545	Primary	230.12	164
	N35:19:42	W112:08:36	WILLIAMS	AZ	FM	257 : 99.3 MHz	C3	ADD	42	14.55	0.00	0	3rd Adj	56.55	090
KJKI	N35:17:50	W111:00:34	LEUPP	AZ	FM	255 : 98.9 MHz	C1	CP	133	26.71	52.00	12	1st Adj	159.71	091

Klein Broadcast Engineering, L.L.C.

Job: KFPB232C3207RS.fmj

Master Database: 2002_MAR_05.fmd

Lat: N34:52:03 Lon: W112:33:04

Channel: 232 Class: C3

Status: Licensed, Construction Permit, Application, Addition, Vacant/Reserved

Channels: Primary, 1st Adj, 2nd Adj, 3rd Adj, IF, TV6

Range: 100 km

Comments: Reference Coordinates for Allotment of FM Channel 232 Class C3 at Chino Valley, AZ

Description: ENGINEERING EXHIBIT E-4

Page 1 of 1

Date: 3/05/2002 9:07:56 AM

rfDetective-FM Version 1.3.3

Callsign	Latitude	Longitude	City	State	Service	Channel	Class	Status	Min Separation	Clearance	ERP	HAAT	Adjacency	Distance	Bearing
KMGH	N34:58:08	W111:30:28	FLAGSTAFF	AZ	FM	230 : 93.9 MHz	C	LIC	96	0.00	96.00	460	2nd Adj	96.00	083
KOOL-FM	N33:20:02	W112:03:42	PHOENIX	AZ	FM	233 : 94.5 MHz	C	LIC	176	0.00	100.00	504	1st Adj	176.00	165
KSWG	N33:55:34	W112:47:40	WICKENBURG	AZ	FM	231 : 94.1 MHz	C3	LIC	99	7.80	6.40	197	1st Adj	106.80	192
	N33:57:00	W113:10:30	AGUILA	AZ	FM	231 : 94.1 MHz	C3	ADD	99	17.83	0.00	0	1st Adj	116.83	209
	N35:12:27	W112:37:49	ASH FORK	AZ	FM	285 : 104.9 MHz	A	ADD	12	26.40	0.00	0	IF	38.40	349
KZZZ	N35:06:40	W113:53:08	KINGMAN	AZ	FM	234 : 94.7 MHz	C	LIC	96	28.80	46.00	760	2nd Adj	124.80	283
	N34:34:29	W112:28:45	PRESCOTT	AZ	FM	232 : 94.3 MHz	L1	APP	0	33.14	0.00	0	Primary	33.14	169
	N34:32:45	W112:27:34	PRESCOTT	AZ	FM	232 : 94.3 MHz	L1	APP	0	36.66	0.00	0	Primary	36.66	167
	N34:32:38	W112:28:00	PRESCOTT	AZ	FM	232 : 94.3 MHz	L1	APP	0	36.72	0.00	0	Primary	36.72	168
	N34:32:38	W112:28:00	PRESCOTT	AZ	FM	232 : 94.3 MHz	L1	APP	0	36.72	0.00	0	Primary	36.72	168
	N34:33:12	W112:24:53	PRESCOTT	AZ	FM	232 : 94.3 MHz	L1	APP	0	37.02	0.00	0	Primary	37.02	160
NEW	N34:23:27	W110:33:09	OVERGAARD	AZ	FM	232 : 94.3 MHz	C3	ADD	153	37.75	0.00	0	Primary	190.75	106
K285CW	N34:29:20	W112:32:15	PRESCOTT	AZ	FM	285 : 104.9 MHz	D	LIC	0	42.02	0.05	480	IF	42.02	178
K285AC	N34:41:12	W112:06:59	CAMP VERDE	AZ	FM	285 : 104.9 MHz	D	LIC	0	44.56	0.04	821	IF	44.56	117
KBUX	N33:40:58	W114:13:59	QUARTZSITE	AZ	FM	232 : 94.3 MHz	A	LIC	142	61.12	0.20	-49	Primary	203.12	230
KFLX	N34:58:06	W111:30:29	KACHINA VILLAGE	AZ	FM	286 : 105.1 MHz	C2	LIC	17	78.97	5.00	444	IF	95.97	083
KMXB	N36:00:30	W115:00:20	HENDERSON	NV	FM	231 : 94.1 MHz	C	OP	176	80.30	100.00	354	1st Adj	256.30	300
KMXB	N36:00:26	W115:00:24	HENDERSON	NV	FM	231 : 94.1 MHz	C	LIC	176	80.33	100.00	369	1st Adj	256.33	300
KZZZ	N35:01:58	W114:21:57	KINGMAN	AZ	FM	234 : 94.7 MHz	C1	OP	76	90.78	17.00	571	2nd Adj	166.78	276

Klein Broadcast Engineering, L.L.C.
 Job: KEDJC1207REF.fmj
 Master Database: 2002_MAR_05.fmd
 Lat: N33:25:39 Lon: W111:28:03

NPR Phoenix, L.L.C. EXHIBIT E-5

Page 1 of 1
 Date: 3/5/2002 3:01:27 PM
 rfDetective-FM Version 1.3.3

Channel: 280 Class: C1

Status: Licensed, Construction Permit, Application, Addition, Vacant/Reserved

Channels: Primary, 1st Adj, 2nd Adj, 3rd Adj, IF, TV6

Range: 30 km

Comments: Section 73.207 Reference Coordinates for FM Channel 280 C1 at Gilbert, Arizona

Description:

Callsign	Latitude	Longitude	City	State	Service	Channel	Class	Status	Min Separation	Clearance	ERP	HAAT	Adjacency	Distance	Bearing
#KEDJ	N33:23:59	W111:26:45	GILBERT	AZ	FM	280 : 103.9 MHz	C2	APP	224	-220.32	50.00	150	Primary	3.68	147
#KEDJ	N33:23:59	W111:26:45	GILBERT	AZ	FM	280 : 103.9 MHz	C2	APP	224	-220.32	50.00	150	Primary	3.68	147
#KPTY	N33:14:50	W111:31:49	GILBERT	AZ	FM	280 : 103.9 MHz	C2	LIC	224	-203.17	48.00	150	Primary	20.83	196
#KPTY	N33:14:50	W111:31:49	GILBERT	AZ	FM	280 : 103.9 MHz	C2	LIC	224	-203.17	50.00	150	Primary	20.83	196
#KPBZ	N34:42:52	W112:31:33	CHINO VALLEY	AZ	FM	280 : 103.9 MHz	C3	LIC	211	-38.02	8.10	173	Primary	172.98	326
KZPT	N32:17:23	W111:01:06	TUCSON	AZ	FM	281 : 104.1 MHz	A	APP	133	0.00	3.00	100	1st Adj	133.00	162
KZPT	N32:17:23	W111:01:06	TUCSON	AZ	FM	281 : 104.1 MHz	A	CP	133	0.00	3.00	100	1st Adj	133.00	162
KLNZ	N33:35:33	W112:34:49	GLENDALE	AZ	FM	278 : 103.5 MHz	C	LIC	105	0.00	48.00	740	2nd Adj	105.00	280
KZPT	N32:17:23	W111:01:05	TUCSON	AZ	FM	281 : 104.1 MHz	A	LIC	133	0.01	3.00	31	1st Adj	133.01	162
KBZG	N34:25:48	W111:30:16	PAYSON	AZ	FM	282 : 104.3 MHz	C	CP	105	6.25	86.00	600	2nd Adj	111.25	358
KBZG	N34:25:48	W111:30:16	PAYSON	AZ	FM	282 : 104.3 MHz	C	LIC	105	6.25	91.00	326	2nd Adj	111.25	358
KDKB	N33:20:04	W112:03:36	MESA	AZ	FM	227 : 93.3 MHz	C	LIC	41	15.09	96.00	469	IF	56.09	259
	N30:58:57	W110:18:01	CANANEA	SO	FM	280 : 103.9 MHz	B		270	22.60	0.00	0	Primary	292.60	158
	N31:35:30	W112:19:30	SAN FRANCISQUITO	SO	FM	280 : 103.9 MHz	A		196	22.95	0.00	0	Primary	218.95	202
NEW	N35:13:24	W112:36:56	Ash Fork	AZ	FM	280:103.9	A	ADD	200	25.49	0.0	0	Primary	225.49	332

EXHIBIT B

STATEMENT OF CONSENT

Prescott Radio Partners (*PRP*), the licensee of Station KFPB, Channel 280C3, Chino Valley, Arizona, hereby agrees to the modification by the Federal Communications Commission (the *FCC*) of the outstanding license for radio station KFPB, Channel 280C3, Chino Valley, Arizona, Facility ID No. 109, to reflect a change in channel from Channel 280C3 to Channel 232C3, and using an NAD 1927 reference point of North Latitude 34° 52' 03", West Longitude 112° 33' 04". PRP acknowledges that this reference point is other than station KFPB's licensed transmitter site. PRP hereby expressly waives any and all rights to an opportunity to show cause why such a modification should not occur, as well as any and all rights to an evidentiary hearing prior to such a modification. If the FCC approves the necessary amendment to the FM Table of Allotments, PRP will promptly apply for a construction permit to implement the channel and transmitter-site change. If the FCC grants that construction permit to PRP, PRP will promptly implement that construction permit and, promptly after such implementation, will seek a modified license to cover both that construction permit and KFPB's altered facilities. PRP understands that this statement may be used in a filing with the FCC, and hereby expressly authorizes its use for that purpose.

PRESCOTT RADIO PARTNERS

By: 

James Primm

General Partner

Date: 2/17/02

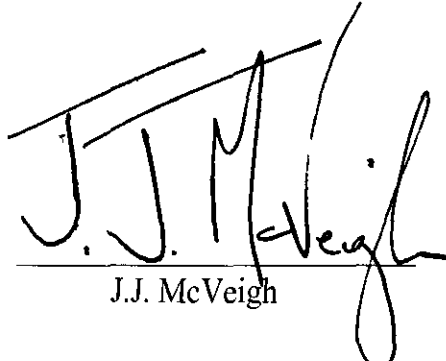
CERTIFICATE OF SERVICE

I hereby certify that I have this Eighteenth day of March, 2002, sent a copy of the foregoing **COUNTERPROPOSAL** by first class United States mail, postage prepaid, to:

Scott C. Cinnamon, Esq.
Law Offices of Scott C. Cinnamon, PLLC
1090 Vermont Avenue, Northwest,
Suite 800
Washington, D.C. 20005
Counsel to Liberty Ventures III, LLC

Route 66 Broadcasting, L.L.C.
422 West Highway 66
Seligman, Arizona 86337
Licensee of Radio Station KZKE(FM)

Prescott Radio Partners
9222 Loma Street
Villa Park, California 92861
Licensee of Radio Station KFPB(FM)



J.J. McVeigh